

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *cg* D.C.  
05 DEC 12 AM 10:09

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DIVISION

BANCORPSOUTH BANK

PLAINTIFF,

v.

DOCKET NO. 04-2420-B

JUSTIN HERTER A/K/A BARRY  
J. HERTER, CAPITOL  
MANAGEMENT, INC., ROBERT  
POWELL, JANET POWELL, and  
SYLVESTRE LOERA  
DEFENDANTS.

ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND DISCOVERY AND  
AMEND SCHEDULING ORDER

Upon Motion of the Plaintiff and for good cause shown,

IT IS, HEREBY, ORDERED, ADJUDGED and DECREED that the Motion to Extend Discovery Deadline and Enter Amended Scheduling Order is hereby granted. Therefore, the Scheduling Order previously entered in this matter is set aside; the parties are ordered to attend another scheduling conference in this matter, with the date and time to be set by the Court; the parties are ordered to submit another proposed scheduling order; and an Amended Scheduling Order shall be entered in this matter.

ENTER this the 9<sup>th</sup> day of December, 2005.

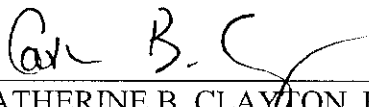
  
U.S. DISTRICT COURT JUDGE

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 12-12-05

38

APPROVED FOR ENTRY:

SPRAGINS, BARNETT, COBB & BUTLER, PLC

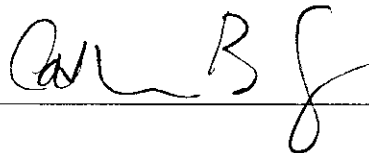
By:   
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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been mailed, by U.S. mail, postage prepaid, to the following on this the 9th day of December, 2005:

Mr. Kevin Snider  
7700 Poplar Ave.  
Ste. 212  
Germantown, TN 38138

Mr. James Strickland  
44 N. Second Street  
Ste. 502  
Memphis, TN 38103

  
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Honorable J. Breen  
US DISTRICT COURT